



TANF 402-3 Trust Funds

Supersedes: TANF 402-3 (7/1/03)

Reference: ARM 37.78.208 and .401

Overview: All trusts must be evaluated as to their accessibility for the household's support and maintenance.

Property held in trust or owned by a corporation is not owned by the filing/assistance unit. No exclusions can be applied to either trust or corporate property, regardless of whether or not any member of the filing/assistance unit is a trust beneficiary or corporate shareholder.

Hard copy verification is required for all trust resources.

ACCESSIBILITY:

When the grantor, beneficiary, or trustee has unrestricted access to a trust, regardless of the stated use of the funds, the trust principal is treated as a countable resource.

A trust may be designated as revocable or irrevocable.

1. A revocable trust can be modified or terminated by the grantor. It is considered an accessible resource.
 - a. An irrevocable trust which the grantor took some action is considered a revocable trust.
2. An irrevocable trust cannot be modified or terminated without the permission of the beneficiary.
 - a. The grantor effectively removes all rights of ownership to the assets and the trust.

SUPPORT AGREEMENTS:

If any member of the filing unit has a written agreement which states that another person, entity or corporation agrees to support the household or a member of the household, the agreement must be evaluated to determine if it meets the legal definition of a trust.

Effective Date: January 01, 2018